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9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE SOUTHERN DISTRICT OF NEW YORK**

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Frank Liu Plaintiff, vs. The Nielsen Company (US) LLC and TNC US HOLDINGS Defendants.	Case #1:22-cv-09084-JHR-OTW Plaintiff's Motion to Amend His Response in Opposition to Defendants' Motion to Dismiss (ECF 75)
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1 **INTRODUCTION**

2 Plaintiff is requesting the Court grant him leave to file an amended response in
 3 opposition to Defendants' Motion to Dismiss because Plaintiff needed more time to finish
 4 his response. Back on March 27, 2024, Plaintiff explained to Defendants that he was
 5 attacked in a parking lot, was still injured and recovering, and haven't been able to focus on
 6 his response to Defendants' motion to dismiss because of the attack.

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8 Below is Liu's email to Defendants about the attack. In addition, you can see
 9 Cardelle Spangler's replied back stating that the extension request is "unopposed but not
 10 agreed."

11 Will Defendants Agree to a Stipulation for an Extension to File Response to their Motion to Dismiss? [Inbox](#)

12 **F L** <frank.liu.96@gmail.com>
 to Cardelle, Caitlin, Aubrey ▾

Wed, Mar 27, 12:58 PM

13 Ms. Spangler, Ms. McClean and Mr. Smith,

I was attacked in a parking lot last week. I am still injured and recovering. I haven't been able to focus on my response to Defendants' motion to dismiss because of the attack.

14 Will Defendants agree to a stipulation to extend the deadline from March 29 to April 5, 2024 so it is due by April 5, 2024 which is a 7 day extension?

15 Please let me know as soon as possible. Thank you.

16 **Spangler, Cardelle**
 to me, Caitlin, Aubrey ▾
 Mr. Liu,

Wed, Mar 27, 2:26 PM

17 We will not oppose the motion so you can present it as unopposed but not agreed. Thanks.

Cardelle

18 Because Defendants refused to agree to the stipulation, Plaintiff believed that it was very
 19 important the Court grant the request before the deadline was to elapse (which was set for
 20 March 29, 2024). Shortly after receiving Spanglers' reply email, Plaintiff started working
 on his motion for extension.

21 Later that day, Plaintiff emailed his Motion to Extend Time to

22 Temporary_Pro_Se_Filing@nysd.uscourts.gov.

23 Case #1:22-cv-09084-JHR-OTW -- Plaintiff's Motion To Extend Time

24 **F L** <frank.liu.96@gmail.com>
 to Temporary_Pro_Se_Filing ▾
 Case #1:22-cv-09084-JHR-OTW

Wed, Mar 27, 3:34 PM

25 Attached is: Plaintiff's Motion To Extend Time to file Response in Opposition to Defendants' Motion to Dismiss (ECF 54)

26 Today's date is 3/27/2024.

27 Thank you.

One attachment • Scanned by Gmail



1 Although the motion for extension was emailed out on March 27, 2024, it took until
2 March 28 for the Court to docket it under Docket 74. Since Defendants had refused to
3 agree to the stipulation for an extension, and the Court had not ruled on Plaintiff's request
4 for an extension by the close of business on March 29, 2024, Plaintiff rushed to finish what
5 he could so he could meet the deadline. Plaintiff emailed his Response in Opposition to
6 Defendants' motion to dismiss at 11:33 PM EST on March 29, 2024 in order to meet the
7 deadline that was set by the Court.

8 Plaintiff was in a rush to finish and wished he had more time. Plaintiff was attacked
9 the week prior, was still recovering and had trouble focusing on his response. On page 2 of
10 Docket 74 (Motion to Extend Time), Plaintiff even included pictures of his injuries:



1 **Plaintiff Reached Out to Defendants About Stipulation to Allow Plaintiff to Amend his
2 Response**

3 Furthermore, on March 29, 2024, Plaintiff reached out to Defendants seeing if they
4 will agree to a stipulation to allow Plaintiff to amend his response to Defendants' motion to
5 dismiss after he files it because Plaintiff believed he needed to get it in before 11:59 PM
6 EST that day.

7 Wondering if Defendants will agree to a stipulation to allow me to amend my response  

Fri, Mar 29, 1:06 PM    

8 **F L <frank.liu.96@gmail.com>**
to Cardelle, Caitlin, Aubrey 
Ms. Spangler, Ms. McCaan, and Mr. Smith,

9 Good Friday. I know Ms. Spangler is off, but I'm not sure if Ms. McCaan or Mr. Smith is off too. Anyway, I am reaching out to defendants if they will agree to a stipulation for me to amend my response to defendants' motion to dismiss.

10 Because it is just after 4 PM EST now, and the Court has not ruled on my motion to extend time, I believe I will need to submit my response to defendants' motion to dismiss before 11:59 PM EST today to get it in because the Court has not ruled yet, and Spangler said the extension is unopposed but not agreed to.

11 I still need more time to work on it, so I am wondering if Defendants will agree to a stipulation that I can have some time to amend it because I plan to submit it today just to get it in on time.

12 Not only was I attacked last week, the person tried to choke me out. Here is a picture of the person who attacked me.



13 Will Defendants agree to allow me to amend my response? I need more time to complete my response to Defendants' motion to dismiss, but I need to get it in today because the Court has not yet ruled on the extension, so am wondering if Defendants will agree to allowing me to amend it? Please get back to me.

14 Thank you.

15 The email was sent to all three (3) of Defendants' attorneys on March 29, 2024.
16 Plaintiff has waited weeks for Defendants to respond, and to this day Defendants has
17 **ignored** Plaintiff's request.

18 **Conclusion**

19 In light of these circumstances, Plaintiff motions for the Court to allow Plaintiff to
20 submit an Amended Response in Opposition to Defendants' Motion to Dismiss. Should the
21 Court grant Plaintiff's motion to amend, Plaintiff proposes the deadline for his amended
22 response be due 21 days after the Court rules on this motion.

23
24 Respectfully submitted,

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27 Dated 4/19/2024

28 Frank Liu

Pro Se Plaintiff